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SUBJECT: MAY 5 SESSION OF GRANVILLE/ABBAS MURDER TRIAL

1. (SBU) SUMMARY: On May 5, 2009, five U.S. Embassy Foreign Service National (FSN) employees from the Regional Security Office, Political/Economic and Public Affairs sections attended the trial of five Sudanese men accused in the January 1, 2008 murders of USAID Officer John Granville and FSN driver Abdelrahman Abbas. The defense called one witness to testify, Colonel Adil Ahmed Ibrahim, a personnel administrator in the Sudanese Armed Forces (SAF). A legal advisor from SAF, Major Mohamed Ali Musa, accompanied Col Ibrahim. Also present was defense witness Mohamed Abdelgadir, a weapons expert, who was not able to testify because he had not been able to examine the vehicle. The Judge refused all documents presented by the defense and stated that the defendant, retired army officer Muhaned Osman Yousif, would be tried in the civilian (vice military) court. The next trial sessions are scheduled for May 13 and 17. END SUMMARY.

2. (U) The trial of the five Sudanese men accused of the January 1, 2008 terrorist murders of USAID Officer John Granville and FSN driver Abdelrahman Abbas continued on May 5, 2009. The prosecution was represented by Chair Mohamed Mustafa Musa, Juma Al Wakul Al-Asir, and Granville family attorney Taha Ibrahim. Abbas family attorney, Ismail Abu Sugra, was absent. The defense was represented by deputy defense Chair Adil Abdul Ghani, Ahmed Abu Agla, Jamal Altahir, and Wajdi Salih. The defense Chair, Siddiq Kadoda, was not present.

3. (U) The defense called one witness to testify, Colonel Adil Ahmed Ibrahim, a personnel administrator in SAF. Accompanying Col. Ibrahim was Major Mohamed Ali Musa, a legal advisor from SAF. Two documents were presented to the court. The first was defense document #13 dated 13 May 2007, which was a sample retirement document that did not list the defendant's name. The defense presented it as an example of the retiring officers list that the SAF personnel section would receive prior to a group of military officers being retired. The prosecution objected to the document based on the fact that it is a copy vice an original and that it had not been stamped by the SAF personnel office. Granville family attorney, Taha Ibrahim, stated that the document has no relevancy to the case. The defense explained that the personnel files for Muhaned Osman Yousif are not allowed to be released without the express consent of the SAF Headquarters. Judge al-Badri received the document and passed it to the prosecution to examine. The Judge accepted the document into evidence, but said the content would be examined later.

4. (U) The second document that was submitted by the defense was a transfer cable entered as defense document #14, dated July 30, 2007, and listed as cable number #363. This cable contains orders for defendant Muhaned Osman Yousif to transfer from the Kataru Training Center in Khartoum North to the Military Intelligence Department (MID).

5. (U) The prosecution began the questioning by asking the witness if it was necessary for all retirement cases to be issued by the SAF

Headquarters in one cable. Col. Ibrahim responded that it was not. The prosecution then asked if it was possible to have a supplementary cable with additional retiring officers listed. Col. Ibrahim responded that it is possible to have an additional cable issued by the personnel office. The prosecution asked: "Do you remember any case with incorrect information listed in the First Lieutenant's retirement cable?" Col Ibrahim responded that there were no mistakes made in his section [note: Col. Ibrahim is the section chief for first lieutenants], but that other sections do make mistakes. The prosecution asked, "who signs the retirement decision papers for first lieutenants?" Col Ibrahim stated, "The President of the Republic."

¶16. (U) The defense team began their questioning by asking, "What is your job in relation to the President's decision?" Col. Ibrahim stated that he gets a memo with a listing of the retirees from the President's office and then distributes it from the personnel office to all SAF units. They asked, "For the First Lieutenants who had been listed to retire, how many cables were issued?" Col. Ibrahim stated, "one cable." The defense then questioned, "except for Muhaned's name, are there any other officers whose name appeared in the transfer cables after he had been listed as retiring?" Col. Ibrahim replied that he was not sure. [Note: Muhaned's name appeared in one retirement document produced by the prosecution while the defense produced a separate document for retired first lieutenants that did not have his name listed].

¶17. (U) The defense asked how the officers are transferred, and Col. Ibrahim replied that it is "through the network." The defense then asked, "could there be mistakes in the data entry?" The witness replied that there could be mistakes because data entry takes a lot of time. He also stated that mistakes are fixed later.

¶18. (U) The final question by the defense concerned Shantu Ali Gutyah, a military police instructor. They asked whether Gutyah was currently working. Col. Ibrahim replied that he is retired, but is working as a contractor for the SAF.

¶19. (U) After Judge al-Badri took one hour to evaluate the documents, he addressed the court refusing all the defense documents presented stating, "regardless of whether the defendant was in the military or not, he should be tried in this court." The next trial dates are scheduled for May 13 and 17 with Mohamed Abdelgadir, a weapons expert, testifying for the defense.

FERNANDEZ